

Amendment Under 37 C.F.R. § 1.111  
Serial No. 09/985,923  
Sughrue Ref: A7971

## **REMARKS**

### ***Formal Matters***

As an initial matter, Applicant thanks the Examiner for considering the references submitted with the Information Disclosure Statement filed on August 29, 2002, as indicated by the Examiner's initials next to the reference numbers listed on the PTO/SB/08 form.

Claims 1-28 are all of the pending claims. Claims 1, 11, and 19 are independent claims.

### ***Claim Rejections Under 35 U.S.C. § 102***

Claims 1, 6-8, and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Michel (US 4,55,721). Claims 1, 2, 4, 6-8, 10, and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Oster et al. (US 5,425,701).

### ***Claim 1***

With respect to claim 1, Applicant has amended this claim to recite that the immobilization walker includes a back portion "formed by a back part" that extends up from the back end of the "bottom portion and side parts that extend up from sides of the bottom portion, the back part being integrally formed with the side parts." Applicant submits that the amendment is fully supported at least by the non-limiting embodiment shown in, for example, Figs. 6A-6C of the original application and the discussion of the non-limiting embodiment.

Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 at least because Michel and Oster, alone or in combination, do not teach or suggest all of the recitations of amended claim 1.

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For example, each of Michel and Oster merely has a back part (vertical part 18 of Michel; lug 34 of Oster) and does not have the recited side parts, the back part being integrally formed with the side parts.

A rigid immobilization plate with a back part and side parts allows the claimed invention to prevent movement of a patient's ankle better than the devices disclosed in Michel and Oster. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of amended independent claim 1.

***Claims 6-8 and 10***

In addition, with respect to dependent claims 6-8 and 10, Applicant respectfully requests the Examiner to withdraw the rejection of these claims at least because of their dependency from claim 1.

***Claim Rejections Under 35 U.S.C. § 103***

Claims 11-14, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Michel. Claims 2-5, 9, 15-17, and 19-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Michel in view of Darby et al. (US 5,370,133) or Oster. Claims 20-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oster in view of Darby.

***Claims 11 and 19***

As shown hereinabove, Applicant has amended independent claims 11 and 19 in the manner discussed above with respect to independent claim 1. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of amended independent claims 11 and 19 at least because none of the applied references teach or suggest the claimed immobilization walker

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that includes “a back portion formed by a back part that extends up from the back end of the bottom portion and side parts that extend up from sides of the bottom portion, the back part being integrally formed with the side parts.”

***Claims 2-5, 12-18, and 20-28***

In addition, with respect to dependent claims 12-14, Applicant respectfully requests the Examiner to withdraw the rejection of these claims at least because of their dependency from claim 11.

Finally, with respect to dependent claims 2-5, 9, 15-17, and 20-28, Applicant requests the Examiner to withdraw the rejection of these claims at least because of their dependency from one of claim 1, claim 11, and claim 19 and because Darby does not cure the deficiencies in Michel and Oster discussed above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

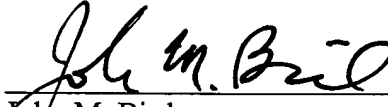
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**23373**

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